

# IN THE SUPREME COURT FOR THE STATE OF MICHIGAN

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

Deleon Deston Tate  
(Print the name you were convicted under on this line.)

Defendant-Appellant.

Supreme Court No. \_\_\_\_\_  
(Leave blank.)

Court of Appeals No. 237039 6/18/03  
(From Court of Appeals decision.)

Trial Court No. 99-12470-01  
(See Court of Appeals brief or Presentence Investigation Report.)

Wayne CRI G. Crockett

**INSTRUCTIONS:** Answer each question. Add more pages if you need more space. **NOTE:** If you are appealing a Court of Appeals decision involving an administrative agency or a civil action, you will have to replace **this page** with one containing the relevant information of your case.

123641

## (DELAYED) PRO PER APPLICATION FOR LEAVE TO APPEAL

1. I was found guilty on (Date of Plea or Verdict) April 27, 2001
2. I was convicted of (Name of offense) First-degree felony-Murder 750.316-B,  
Armed Robbery 750.529
3. I had a ☐ guilty plea; ☐ no contest plea; ☒ jury trial; ☐ trial by judge. (Mark one that applies.)
4. I was sentenced by Judge George W. Crockett III on June 15, 2001  
(Print or type name of Judge) (Print or type date you were sentenced)  
in the Recorder's Court County Circuit Court to Life years 1 months  
(Name of county where you were sentenced; put Recorder's Court for crimes in Detroit) (Print or type minimum sentence here)  
to 1 years 1 months, and to 1 years 1 months to 1 years 1 months.  
(Print or type maximum sentence) (Minimum sentence) (Maximum sentence)
- I am in prison at the St. Louis Correctional Facility in St. Louis, Michigan.  
(Print or type name of prison) (Print or type city where prison is located.)
5. The Court of Appeals affirmed my conviction on March 18, 2003  
(Print or type date stamped on Court of Appeals decision)  
in case number 237039. A copy of that decision is attached.  
(Print or type number on Court of Appeals decision)

6. ☐ This application is filed on time. (Check if filing within 21 days of date on Court of Appeals decision.)
- ☒ This application is filed late. (Check if filing more than 21 days but within 56 days of Court of Appeals decision.)

This application is late because: (Check all the reasons that apply. You can add others.)

- ☒ I had to find help.
- ☐ I could not get postage and supplies to file this application.
- ☒ I am not experienced or educated in the law.
- ☐ I did not receive my decision from my attorney in time.
- ☒ Other. Explain I had to make copies.

**FILED**

APR 10 2003

CORBIN R. DAVIS  
CLERK  
MICHIGAN SUPREME COURT

(DELAYED) PRO PER APPLICATION FOR LEAVE TO APPEAL cont.

Doleon Deshon Tate, Defendant-Appellant

CA No. 237039

**INSTRUCTIONS:** In the part below, only bring up issues that were in your Court of Appeals brief. Attach a copy of your Court of Appeals brief if possible. If you prepared a supplemental brief which was filed in the Court of Appeals, those issues go in this part also. You should attach a copy of that brief, too, if you can. New issues go in question 8 which starts on page 7.

**GROUND - ISSUES RAISED IN COURT OF APPEALS**

7. I want the Court to consider the issues as raised in my Court of Appeals brief and the additional information below.

**ISSUE I:**

A. (Copy the headnote, the title of the issue, from your Court of Appeals brief.)

Where the police did not "Scrupulously Honor" Appellants  
invocation of his right to remain silent AND his right  
to counsel, his statement was inadmissible.

B. The Court should review the Court of Appeals decision on this issue because: (Check all the ones you think apply to this issue, but you must check at least one.)

- ☐ 1. The issue raises a serious question about the legality of a law passed by the legislature.  
☐ 2. The issue raises a legal principle which is very important to Michigan law.  
☒ 3. The Court of Appeals decision is clearly wrong and will cause an important injustice to me.  
☐ 4. The decision conflicts with a Supreme Court decision or another decision of the Court of Appeals.

C. (Explain why you think the choices you checked in B apply to this issue. List any cases that you want the Supreme Court to consider. State any facts which you want the Court to consider. If you think the Court of Appeals mixed up any facts about this issue, explain here. If you need more space, you can add more pages.)

The court of appeals decision was clearly erroneous.  
Please see attached brief, Argument I, for reference.

(DELAYED) PROPER APPLICATION FOR LEAVE TO APPEAL (cont.)

Deleon Doshon Tate, Defendant-Appellant

CA No. 237039

**INSTRUCTIONS:** In the part below, only bring up issues that were in your Court of Appeals brief. Attach a copy of your Court of Appeals brief if possible. If you prepared a supplemental brief which was filed in the Court of Appeals, those issues go in this part also. You should attach a copy of that brief, too, if you can. New issues go in question 8 which starts on page 7.

**ISSUE II:**

**A.** (Copy the headnote, the title of the issue, from your Court of Appeals brief.)

The trial court abused its discretion in refusing to rule on the voluntariness of Appellant's statement AND counsel's failure to object or argue that appellant was entitled to a determination of voluntariness constituted ineffective assistance.

**B.** The Court should review the Court of Appeals decision on this issue because: (Check all the ones you think apply to this issue, but you must check at least one.)

- ☐ 1. The issue raises a serious question about the legality of a law passed by the legislature.
- ☐ 2. The issue raises a legal principle which is very important to Michigan law.
- ☒ 3. The Court of Appeals decision is clearly wrong and will cause an important injustice to me.
- ☐ 4. The decision conflicts with a Supreme Court decision or another decision of the Court of Appeals.

**C.** (Explain why you think the choices you checked in B apply to this issue. List any cases that you want the Supreme Court to consider. State any facts which you want the Court to consider. If you think the Court of Appeals mixed up any facts about this issue, explain here. If you need more space, you can add more pages.)

The court of appeals decision was clearly erroneous.  
Please see attached brief, argument II, for reference.

(DELAYED) PROPER APPLICATION FOR LEAVE TO APPEAL cont.

Deleon Deshon Tate, Defendant-Appellant

CA No. 237039

**INSTRUCTIONS:** In the part below, only bring up issues that were in your Court of Appeals brief. Attach a copy of your Court of Appeals brief if possible. If you prepared a supplemental brief which was filed in the Court of Appeals, those issues go in this part also. You should attach a copy of that brief, too, if you can. New issues go in question 8 which starts on page 7.

**ISSUE III:**

**A.** (Copy the headnote, the title of the issue, from your Court of Appeals brief.)

Appellant's convictions of armed robbery and felony-murder must be reversed where the prosecution failed to present sufficient evidence to satisfy the constitutional due process standard of guilt beyond a reasonable doubt.

**B.** The Court should review the Court of Appeals decision on this issue because: (Check all the ones you think apply to this issue, but you must check at least one.)

- ☐ 1. The issue raises a serious question about the legality of a law passed by the legislature.
- ☐ 2. The issue raises a legal principle which is very important to Michigan law.
- ☒ 3. The Court of Appeals decision is clearly wrong and will cause an important injustice to me.
- ☐ 4. The decision conflicts with a Supreme Court decision or another decision of the Court of Appeals.

**C.** (Explain why you think the choices you checked in B apply to this issue. List any cases that you want the Supreme Court to consider. State any facts which you want the Court to consider. If you think the Court of Appeals mixed up any facts about this issue, explain here. If you need more space, you can add more pages.)

The Court of appeals decision was clearly erroneous.  
Please see attached brief, Argument III, for reference.

(DELAYED) PROPER APPLICATION FOR LEAVE TO APPEAL cont.

Deleon Dezhon Tate, Defendant-Appellant

CA No. 237039

**INSTRUCTIONS:** In the part below, only bring up issues that were in your Court of Appeals brief. Attach a copy of your Court of Appeals brief if possible. If you prepared a supplemental brief which was filed in the Court of Appeals, those issues go in this part also. You should attach a copy of that brief, too, if you can. New issues go in question 8 which starts on page 7.

**ISSUE IV:**

**A.** (Copy the headnote, the title of the issue, from your Court of Appeals brief.)

The prosecutors closing argument personally attacked AND denigrated Appellant in violation of his state and federal Constitutional due process rights to a fair trial.

**B.** The Court should review the Court of Appeals decision on this issue because: (Check all the ones you think apply to this issue, but you must check at least one.)

- ☐ 1. The issue raises a serious question about the legality of a law passed by the legislature.
- ☐ 2. The issue raises a legal principle which is very important to Michigan law.
- ☒ 3. The Court of Appeals decision is clearly wrong and will cause an important injustice to me.
- ☐ 4. The decision conflicts with a Supreme Court decision or another decision of the Court of Appeals.

**C.** (Explain why you think the choices you checked in B apply to this issue. List any cases that you want the Supreme Court to consider. State any facts which you want the Court to consider. If you think the Court of Appeals mixed up any facts about this issue, explain here. If you need more space, you can add more pages.)

The court of appeals decision was clearly erroneous. Please see attached brief, Argument IV, for reference.

(DELAYED) PROPER APPLICATION FOR LEAVE TO APPEAL cont.

**, Defendant-Appellant**

CA No. \_\_\_\_\_

**INSTRUCTIONS:** In the part below, only bring up issues that were in your Court of Appeals brief. Attach a copy of your Court of Appeals brief if possible. If you prepared a supplemental brief which was filed in the Court of Appeals, those issues go in this part also. You should attach a copy of that brief, too, if you can. New issues go in question 8 which starts on page 7.

## ISSUE V:

**A.** (Copy the headnote, the title of the issue, from your Court of Appeals brief.)

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**B. The Court should review the Court of Appeals decision on this issue because: (Check all the ones you think apply to this issue, but you must check at least one.)**

- ☐ 1. The issue raises a serious question about the legality of a law passed by the legislature.
- ☐ 2. The issue raises a legal principle which is very important to Michigan law.
- ☐ 3. The Court of Appeals decision is clearly wrong and will cause an important injustice to me.
- ☐ 4. The decision conflicts with a Supreme Court decision or another decision of the Court of Appeals.

C. (Explain why you think the choices you checked in B apply to this issue. List any cases that you want the Supreme Court to consider. State any facts which you want the Court to consider. If you think the Court of Appeals mixed up any facts about this issue, explain here. If you need more space, you can add more pages.)

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page or a sheet of stationery.

**FOR MORE ISSUES, ADD PAGES. GIVE THE SAME INFORMATION. NUMBER EACH ISSUE.**

(DELAYED) PROPER APPLICATION FOR LEAVE TO APPEAL cont.

\_\_\_\_\_, Defendant-Appellant

CA No. \_\_\_\_\_

**INSTRUCTIONS:** If you want the Supreme Court to look at errors which were never raised in the Court of Appeals by your attorney or you, check **YES** in 8 below. Answer parts **A, B, and C** for each new issue you raise. There is space provided for 2 new issues. You can add more pages. If you do not have new issues go directly to question 9 on page 8.

## GROUNDSD - NEW ISSUES

8. ☐ YES, I want the Court to consider the additional grounds for relief contained in the following issues, which were not raised in my Court of Appeals brief. MCR 7.302(F)(4).

**NEW ISSUE I:**

**A.** (State the new issue you want the Court to consider.) \_\_\_\_\_

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- B. The Court should review this issue because: (Check all the ones you think apply to your case, but you must check at least one.)**

- ☐ 1. The issue raises a serious question about the legality of a law passed by the legislature.
- ☐ 2. The issue raises a legal principle which is very important to Michigan law.

- C.** (Explain why you think that your choices in B above apply to this issue in your case. List any cases and citations, laws, or court rules, etc. which support your argument. Explain how they apply to this issue. State the facts which support and explain this issue. If these facts were not presented in court, explain why. You can add more pages.)

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook or a sheet of stationery designed for writing. The edges of the paper are slightly irregular, suggesting it might be a scan of a physical document. There is no handwriting or other markings on the page.

(DELAYED) PRO PER APPLICATION FOR LEAVE TO APPEAL (cont.)

\_\_\_\_\_, Defendant-Appellant

CA No. \_\_\_\_\_

**NEW ISSUE II:**

A. (State the new issue you want the Court to consider.) \_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_

B. The Court should review this issue because: (Check all the ones you think apply to your case, but you must check at least one.)

☐ 1. The issue raises a serious question about the legality of a law passed by the legislature.

☐ 2. The issue raises a legal principle which is very important to Michigan law.

C. (Explain why you think that your choices in B above apply to this issue in your case. List any cases and citations, laws, or court rules, etc. which support your argument. Explain how they apply to this issue. State the facts which support and explain this issue. If these facts were not presented in court, explain why. You can add more pages.)

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**RELIEF REQUESTED**

9. For the above reasons I request that this Court *GRANT* leave to appeal, *APPOINT* a lawyer to represent me, and *GRANT* any other relief it decides I am entitled to receive.

April 8, 2003

(Date)

Deleon Tate #370998

(Print your name and number here.)

Deleon Tate

(Sign your name here.)

8585 N. Croswell Rd.

(Print your address here.)



IN THE SUPREME COURT FOR THE STATE OF MICHIGAN

People of the State of Michigan,  
(Print the name of the opposing party, e.g., "People of the State of Michigan.")

Plaintiff-Appellee,

Deleon Deshon Tate  
(Print the name you were convicted under on this line.)

Defendant-Appellant.

Supreme Court No. \_\_\_\_\_  
(Leave blank.)

Court of Appeals No. 237039  
(From Court of Appeals decision.)

Trial Court No. 99-12470-01  
(See Court of Appeals brief or Presentence Investigation Report.)

MOTION FOR WAIVER OF FEES AND COSTS

Appellant, pursuant to MCR 7.319(7)(h) and MCL 600.2963, for the reasons stated in the attached affidavit of indigency, requests that this Court: (Check the ones that apply to you.)

- ☒ GRANT a waiver pursuant to MCR 7.319(7)(h) of all fees required for filing the attached pleadings because the provisions of MCL 600.2963, requiring prisoners to pay filing fees does not apply to appeals from a decision involving a criminal conviction or appeals from a decision of an administrative agency. The statute applies *exclusively* to prisoners filing civil cases and appeals in civil cases.
- ☐ GRANT a waiver pursuant to MCR 7.319(7)(h) of all fees required for filing the attached pleadings because the provisions of MCL 600.2963, requiring only indigent prisoners to pay court filing fees violates the equal protection provision of the Michigan Constitution, Art I, Sec 2.
- ☐ Temporarily waive the initial partial payment of filing fees for the attached pleadings and order the Michigan Department of Correction to collect and pay the money to this Court at a later date in accordance with MCL 600.2963, when the money becomes available in appellant's prison account. If the Court does not allow this, I will be prevented from filing the attached pleading in a timely manner.
- ☐ Allow an initial partial payment of \$ \_\_\_\_\_ of the initial fee for filing the attached pleadings and order the Michigan Department of Correction to collect the remaining money and pay it to this Court at a later date in accordance with MCL 600.2963, as additional money becomes available in Appellant's prison account. If the Court does not allow this, Appellant will be prevented from filing the attached pleading in a timely manner.

April 8, 2003  
(Date)

Deleon Tate  
(Sign your name here.)

Deleon Tate #370998  
(Print your name and number here.)

8585 N. Croswell Rd.  
(Print your address here.)